

## REMARKS

Claims 1-35 currently remain pending in the above-identified application. As now written, claims 1-35 patentably distinguish over the art of record.

Before proceeding to address the examiner's rejections, applicants will briefly summarize their invention to assist the examiner in better appreciating the differences between applicants' invention and the art of record. As recited in amended claim 1, applicants have provided a method for producing a live or live-to-tape show by first enabling the creation of instructions that define at least one of a set of production commands that comprise at least one segment file that includes at least one production command for controlling at least one production device, the at least one command when executed produces a segment of the show. The one segment file comprises at least one scripted portion that includes at least one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that includes at least one command activated independent of the script. Each segment has a duration which is defined by execution of the instruction sequence under the control of a human operator. The at least one production command undergoes execution to produce the show.

As discussed hereinafter, applicants' invention distinguishes over the art of record by virtue of activating at least one command within a scripted portion, and activating another command independent of the script.

### Request for Additional Information

~~In response to the examiner's request for information, applicants have undertaken a search of company archives and have only located the following information related to the prototype "CameramanStudio product disclosed in 1996-1997, copies of which are attached:~~

- ~~1. 1997 Annual Report of Parkervision~~
2. Preliminary sales literature; and
3. Preliminary sales manual;

### 35 U.S.C. 102(e) of Claims 1-15, 18-24, 26-28, 30-32 and 34-45

Claims 1-15, 18-24, 26-28, 30-32 and 34-45 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent 6,038, 573, issued March 14, 2003 from an application filed April

4, 1997, in the name of David Michael Parks (hereinafter, "the Parks patent"). Applicants respectfully traverse this rejection.

As amended, independent claims 1, 8, 10, 16-18, 26 and 32 each recite the features of one command activated during a predetermined interval in a script that undergoes scrolling for display under control of an operator, and at least one non-scripted portion that include at least one command activated independent of the script, said at least one segment having a duration which is defined by execution of said instruction sequence under the control of a human operator

As discussed applicants' previous responses, the Parks patent discloses a news story mark-up language system which includes a news story mark-up language (NSML) viewer (209) having a screen (240) that contains a template area (241), a machine code area (242) and a story area (243). The news story (243) area contains the text of a news story that will have one or more insertion points (245). Each insertion point corresponds to the location within the story of a machine code listed in the machine code area (242).

With regard to the Parks patent, applicants submit that the reference does teach the feature of a scripted portion having at least one command activated during a predetermined interval within a script that undergoes scrolling. However, applicants disagree that the Parks patent also teaches the feature of at least one non-scripted portion including at least one command activated independent of the script. Indeed, as discussed below, none of the cited portions of the Parks patent relied upon by the examiner disclose or suggest this feature of applicants' invention.

In support of his contention that the Parks patent teaches a command activated independent of the script, the examiner relies on the disclosure at Col. 8, lines 41-51, Col. 10, lines 23-27, Col. 15, line 64-Col. 16, line 1, and FIG 4. Applicants' have reproduced each of the cited portions of the specification of the Parks patent relied upon by the examiner to demonstrate that none contains any disclosure or suggestion of this feature of applicants' independent claims.

The disclosure of the Parks patent at Col. 8, lines 41-51 provides:

"A reference mark 245 indicates the place within the story area where a machine instruction 246 should be executed. The reference mark 245 provides a link to the machine instruction 246. If a news story document is moved to another section of the news broadcast, or of the text associated with the reference mark is moved within the new story the corresponding machine instruction 246 would be moved with it. If the story was deleted from the broadcast, or if the text associated with the reference mark is deleted from the story, the corresponding machine instruction would be deleted."

When viewed by itself, this cited portion of the Parks patent says nothing about execution of a command independent of a script. Moreover, this portion of the Parks patent cannot be read in isolation from the material appearing immediately before at Col. 8, lines 33-38 which provides:

The machine code area 242 contains codes to control machines during broadcast. Each code is stored in a machine code object that contains all the text for the machine code and a corresponding insertion point which is visible in the story area 243 for the script. The story area 243 contains the text of the news story. In a script for a news story, the story area 243 contains the text that, for example, may be displayed on a teleprompter to be read by an anchor person.

The disclosure at Col. 8, lines 33-38 of the Parks patent clearly teaches the desirability of executing the machine command in the story in connection with a script. Indeed, the examiner has cited Col. 8, lines 33-38 as teaching a scripted portion that includes commands executed in relation to the script. Further, the statement "A reference mark 245 indicates the place within the story area where a machine instruction 246 should be executed" appearing at Col. 8, lines 41-42, when read in context with the immediately preceding statement clearly describes only a scripted portion with a command activated in relation to the script.

The disclosure at Col. 10, lines 23-27 of the Parks patent states:

"The MCSERROR attribute is optional. The MCSERROR attribute if present, indicates that the news story document is a story in a rundown that contains machine control instructions and at least one of the machine control instructions cannot be understood by a machine control subsystem."

By itself, this cited portion of the Parks patent says nothing with regard to a non-scripted portion containing at least one command activated independent of the script. At best, this cited portion of the Parks patent describes an error message in connection with a non-executable machine control instruction in a news story. Moreover, when this cited portion of

the Parks patent is considered in connection with the disclosure at Col. 8, lines 33-38 concerning the location of the machine code instruction in machine code area, applicants submit that the disclosure at Col. 10, lines 23-27 suggests a command executed during a scripted portion of the story.

The disclosure at Col. 15, line 64 through Col. 16, line 1 of the Parks patent provides:

Significantly, elements of the NSML include elements specific to a news story broadcast. Elements are included in NSML for defining a timing information a news story, and for defining machine control elements for controlling a machine control server to automate control functions. Also, anchoring elements are included for synchronizing elements, such as elements within the BODY 362 and AESET 363 elements within the news story document.

As with the other cited portions of the Parks patent cited by the examiner, the above-cited port of the Parks patent says nothing specifically regarding a non-scripted portion containing at least one command activated independent of the script. Moreover, when this cited portion of the Parks patent is considered in connection with the disclosure at Col. 8, lines 33-38 concerning the location of the machine code instruction in machine code area, applicants submit that the disclosure at Col. 15, line 64 through Col. 16 line 1 relates to a command executed during a scripted portion of the segment file.

With regard to FIGS. 4-A-4C, applicants reiterate that these drawings describe the particularly hierarchy of the NSML files which constitute tags that delimit a news story. To the extent that the NSML files define machine control elements, the disclosure at Col. 8 lines 33-38 of the Parks patent provides that the machine commands are executed during the a scripted portion, which the examiner does not dispute.

Section 2131 of the Manual of Patent Examining Procedure (MPEP) sets forth the criterion required to establish a *prima facie* case of anticipation under 35 U.S.C. 102(b). To establish a *prima facie* case of anticipation, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987). In this regard, the examiner has not pointed to any portion of the Parks patent which teaches applicants' feature of "at least one non-scripted portion that includes at least one command activated independent of the script" as recited in applicants' independent claims 1, 8, 10, 16-18, 26 and 32. Therefore, claims 1, 8, 10, 16-18, 26 and 32, and dependent claims 2-7, 9, 11-15, 19-24, 30-31 and 34-34 patentably distinguish over the art of record.

Applicants request withdrawal of the 35 U.S.C. 102(e) rejection of claims 1-15, 18-24, 26-28, 30-32 and 34-45.

**35 U.S.C. 103(a) Rejection of Claims 16, 17, 25, 29, and 33**

Claims 16, 17, 25, 29, and 33 stand rejected under 35 U.S.C. 103(a) as obvious in view of the Parks patent discussed above with respect to the 35 U.S.C. 102(e) rejection of claims 1-15, 18-24, 26-28, 30-32 and 34-45. Applicants respectfully traverse the rejection of the claims for the reasons given below.

Applicants have discussed the Parks patent above. For the sake of brevity, applicants will not repeat a discussion here. For purposes of the instant rejection, the Parks patent does not teach or suggest applicants' feature of "at least one non-scripted portion that includes at least one command activated independent of the script" recited in independent claims 1, 8, 10, 16-18, 26 and 32. Given that the Parks patent does not teach this feature of independent claims 1, 8, 10, 16-18, 26 and 32, the reference would not teach the features of dependent claims 16, 17, 25, 29 and 33. Accordingly, applicants request withdrawal of the 35 U.S.C. 103(a) rejection of claims 16, 17, 25, 29 and 33.

**Conclusion**

In view of the foregoing remarks, applicants request entry of this amendment and allowance of the claims. If, however, the Examiner believes that such action cannot be taken, the examiner is invited to contact the applicant's attorney at (609) 734-6820 to arrange for a mutually convenient date and time for a telephonic interview.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,  
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